

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. V-02/09-119
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, reducing the amount of his Food Stamps. The issue is whether the Department correctly determined the amount of petitioner's Food Stamps. The facts are not in dispute.

FINDINGS OF FACT

!. The petitioner is a disabled individual whose sole source of income is Supplemental Security Income (SSI) disability benefits. The petitioner is a one-person Food Stamp household.

2. Petitioner shares an apartment with L.J. They each pay rent of \$250 per month.

3. Petitioner received a Notice of Decision dated December 16, 2008 reducing petitioner's monthly Food Stamps from \$176 to \$16 effective January 1, 2009. Petitioner requested a Fair Hearing on February 23, 2009. A hearing was held on March 11, 2009.

4. The Department revised petitioner's Food Stamps after learning that petitioner was no longer paying heating or utility costs. L.J. took over payment of the heating and utility costs. As a result, the Department could no longer apply the standard utility allowance to petitioner. The Department recalculated his Food Stamps using his income and the appropriate deductions.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp Program was created to combat hunger and malnutrition among low income households. Food Stamp Manual § 271.1. The amount of Food Stamps a household receives is based upon a complex formula that is set out in the Food Stamp Manual (FSM) and that reflects the level of federal funding for the Food Stamp Program. FSM § 273.9. This formula includes calculation of income and the allowance of certain deductions. FSM § 273.9(b).

Changes to a household's utility and shelter expenses trigger a recalculation of Food Stamp benefits. FSM § 273.9(d)(5)(i). Ordinarily, a household who pays for heat is entitled to a utility allowance of \$744. Petitioner lost

the \$744 allowance when he stopped paying for heat and utilities.¹ The loss of this allowance led to a reduction in petitioner's Food Stamps.

The Department correctly determined petitioner's countable monthly income after applying all applicable deductions. As a result, the Department was correct in reducing petitioner's Food Stamp allotment. The Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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¹ Petitioner is given a small allowance for telephone expenses.